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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,435	01/22/2004	Kazuhiko Tani	04995/133001	5185

7590 09/26/2007  
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EXAMINER
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YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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09/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/762,435	<b>Applicant(s)</b> TANI, KAZUHIKO	
	<b>Examiner</b> BRIAN P. YENKE	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amendment (20 July 2007).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4, 9 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 9 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 20 July 2007 have been fully considered but they are not persuasive.

#### ***Applicant's Arguments***

a) Applicant states that Choi is non-analogous art since Choi is directed to a computer system capable of selecting a display power management signaling (DPMS) mode of a PC display based on user's operation.

b) Applicant states that the function included in the claimed invention is not merely a function to count the number of operations to change operation mode, but a function to count the number of power source operations to stop the starting sequence, and on a priority basis, execute the ending sequence.

#### ***Examiner's Response***

a) In response to applicant's argument that Choi is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the examiner relied upon Choi to evidence that that it is known to determine/count/observe the number of user key inputs (i.e. interrupts) in order to place the system into appropriate mode (i.e. power save mode 1, power save mode 2 or power off).

b) The examiner disagrees. Given the combination of references as stated below, the counting of the number of power operations and on a priority basis, would determine whether a particular sequence/chain of events is stopped and thus the execution of an ending sequence.

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It is also noted that the recent Supreme Court's decision in KSR vs Teleflex, stated that if a person of ordinary skill in the art can implement a predictable variation, and would see the benefit of doing so a 103 rejection likely bars it's patentability. In the instant the counting of the number of power source operations during a starting sequence, would have been obvious to determine whether the starting sequence should be stopped and thus execute the ending sequence for the obvious reasons of allowing the user to actively control the device.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2a. Claim 2-3, 9 and 13, is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Levenson et al., US 5,331,353 and Choi et al., US 6,006,335.

In considering claims 2-3 and 13,

As disclosed by applicant AAPA (JP-3274878) discloses a system which provides a channel/audio during the latency period, and also starts execution of a starting sequence when a power source operation is inputted at a time of a stop of the apparatus body.

However, as disclosed by applicant AAPA does not explicitly recite stopping the starting sequence to start execution of an ending sequence when the power source operation is inputted during the starting sequence execution.

The examiner will rely upon Levenson which discloses a master television along with it's slave units, wherein parental control can be performed via the master television to turn on/off the child's display by Forcing credits in or out of the child's allotment. In one example if a child is accessing the system a

valid child code is entered then the device check's the child's time account, if there is time remaining in that account power is applied to the TV if there is no time allotted left, the system will not power on and an error tone is generated (col 8, line 50-58). Thus an interrupt may occur when powering on, which can take place either at the master or slave unit, meeting the limitations. Thus in response to the number of operations inputted, the child and/or the parent will effect the status of the power-up/down result as stated above.

The combination above does not disclose the "counts the number of power source operations".

Although it is known to count/observe the number of operations in a given mode (i.e. turn on, then turn off etc...), the examiner incorporates Choi which discloses Fig 5, that it is known to determine/count/observe the number of user key inputs (i.e. interrupts) in order to place the system into appropriate mode (i.e. power save mode 1, power save mode 2 or power off).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify AAPA/Levenson which discloses a system which may interrupt the powering on/off of a TV apparatus from a remote terminal, by counting the number of key inputs within a cycle in order to allow the system to be placed into the mode desired by the user.

In considering claim 9,

Regarding the initialization of blocks, since this feature is a conventional component wherein when a device is power-up or down, the respective components/blocks must be put into a respective state (i.e. being initialized) thus the examiner takes "OFFICIAL NOTICE" regarding such.

2b. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Levenson et al., US 5,331,353, Choie et al., US 6,006,335 and Mears et al, US 20020186325.

In considering claim 4,

The combination of AAPA/Levenson/Choi does not recite this conventional feature of a lamp which is turned off/on based on the starting/ending sequence.

Although, well known the examiner will incorporate Mears et al., (para 0002, Fig 2) which discloses a system which either lights up the power on LED or not (no power) to indicate the power mode to the user, in addition to the blinking limitation claimed.

Thus it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to modify AAPA/Levenson/Choi which discloses conventional power switching and counting user interrupts, by also providing the user conventional display regarding the power state as done by Mears, allowing the user to verify the current selected power status of the device.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(571)-273-8300**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-HELP.

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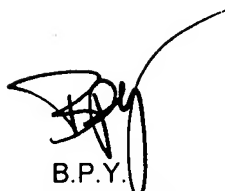
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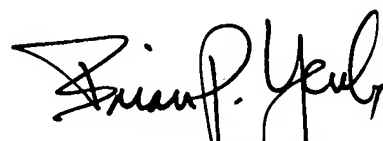
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B.P.Y.  
20 September 2007



BRIAN P. YENKE  
PRIMARY EXAMINER